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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES E. SMITH,
Plaintiff,

No. C 06-5992 SI (pr)

JUDGMENT

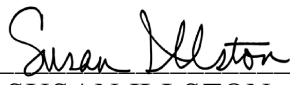
v.

CARL HOLM; et al.,
Defendants.

This action is dismissed without prejudice to plaintiff filing a habeas petition to challenge his conviction and without prejudice to plaintiff filing a civil action for damages concerning his conviction if it is ever set aside.

IT IS SO ORDERED AND ADJUDGED.

Dated: January 22, 2007



SUSAN ILLSTON
United States District Judge